

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY,
FLORIDA

CASE NO. 2014-3032-CF

5 STATE OF FLORIDA,

6 Plaintiff,

7 | vs.

8 | MICHAEL BEER,

9 Defendant.

ORIGINAL

DEPOSITION OF MICHELLE MARIE BEER
(TRANSCRIBED FROM ELECTRONIC RECORDING)

12 DATE: January 14, 2016

13 || TIME: 3:30 o'clock P.M.

14 | PLACE: Office of the State Attorney
15 | 100 East Ocean Boulevard
| Stuart, Florida

16 TAKEN BY: Defendant

17 TRANSCRIBER: KATHY CABRE ENLOE, Registered
18 Professional Reporter and Notary Public
of the State of Florida at Large

19 APPEARANCES:

20 FOR THE PLAINTIFF: OFFICE OF THE STATE ATTORNEY
21 BY: BERNARD ROMERO, ESQ.
411 South Second Street
Fort Pierce, Florida 34950

23 FOR THE DEFENDANT: LANCE P. RICHARD, ESQ.
24 51 East Ocean Boulevard
Stuart, Florida 34994

25 ALSO PRESENT: VICTIM ADVOCATE REPRESENTATIVE

I-N-D-E-X

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4 MR. RICHARD: Okay. This is a deposition in the
5 case of State of Florida versus Michael Beer, it's
6 Case No. 14-3032 CFA, it's currently pending in the
7 Circuit Court of St. Lucie County.

8 We are in the office of the State Attorney
9 in Martin County, Florida. The date today is
10 January 14, 2016, it is approximately 3:30 P.M.

11 Present is myself, Lance Richard, as the
12 attorney for the Defendant; Assistant State Attorney
13 Bernard Romero; a representative from the victim's
14 advocate office; and the deponent.

15 I am duly authorized to administer oaths. You
16 want to raise your right hand? Do you swear to tell
17 the truth?

18 THE WITNESS: I do.

19 AND THEREUPON.

23 DIRECT EXAMINATION

24 BY MR. RICHARD:

25 Q Go ahead and tell me your full name.

1 A Michelle Marie Beer.
2 Q Where do you currently live?
3 A I am -- have a lease in Palm City.
4 Q Okay.
5 A Which I -- which will close out by February
6 21st.
7 Q Okay. How far did you go in school, Michelle?
8 A How long do I --
9 Q How far did you go in school?
10 A How far? I have a Master's degree.
11 Q What have you got a Master's degree in?
12 A Cultural Foundations in Education.
13 Q Where? From where?
14 A FAU.
15 Q Okay.
16 A But where -- at FAU.
17 Q Okay. Why did you decide to get a Master's
18 degree in that?
19 A Well, I was teaching.
20 Q Right.
21 A And I needed to get my ESOL endorsement, which
22 was five classes the District paid for.
23 Q Okay.
24 A And there was only seven more classes to get my
25 Master's degree, so...

1 Q All right. Cool. How is it that you -- when
2 did you first meet Michael?

3 A Eight years old, I think.

4 Q Eight years old?

5 A Uh-huh.

6 MR. ROMERO: You were only eight years old?

7 BY MR. RICHARD:

8 Q Where?

9 A His brother married my -- not a biological
10 cousin, but like when you're New York people, you're
11 cousins.

12 Q Okay.

13 A So my cousin, somebody that was like a
14 neighborhood person and the generations kind of grew up
15 together.

16 Q So you were both in New York?

17 A Well, he's from New Jersey, Michael.

18 Q Okay. But you met each other very young?

19 A Well, yeah, I was eight and how old was he? He
20 was maybe 16.

21 Q Okay. And when is it that you got married?

22 A '99.

23 Q Okay. And where was that?

24 A In St. Thomas More Catholic Church in Boynton
25 Beach.

1 Q Okay. Did you -- so you met him when you were
2 really young and did you keep in contact?

3 A No, it was more family type, like I would see
4 him when like, okay, when I was 12 and I think he had
5 moved down to Florida at that time --

6 Q Okay.

7 A -- I can't remember and he would come take my
8 sister bowling. Again, we were like all family friends.
9 He would take my sister bowling, I would tag along. My
10 sister is older than me, she's five years older than me.

11 Q Okay.

12 A Then I would see him like at another family
13 gathering. So it wasn't like -- it wasn't like --

14 Q Where you stayed in contact with each other?

15 A Right. It was more just, you know, maybe we've
16 been -- maybe it had been a few years in between.

17 Q You have a daughter that is nine years old?

18 A Ten.

19 Q Ten now? Gabrielle?

20 A She just turned ten in October.

21 Q Okay. How is she doing?

22 A Great.

23 Q Good. And when is it that the two of you
24 decided to start fostering children?

25 A Year-wise? I don't know. Maybe it was -- maybe

1 a year, Annabelle had just turned four, our birth
2 daughter who passed away at birth.

3 Q Okay.

4 A So maybe three years ago.

5 Q Okay. And why is it that you decided you'd
6 start doing that?

7 A You know, I've always -- I love children.
8 I mean, I teach kindergarten, I love the young ones.

9 Q Right. Right.

10 A I know for me it was a matter of helping -- you
11 know, we had friends who were foster parents and just
12 hearing about them and how much they were helping and --

13 Q Right.

14 A -- and then, you know, if it worked out to be an
15 adoption, that would have been a bonus, a benefit.

16 Q Okay.

17 A But knowing that wasn't the purpose of
18 fostering, the purpose is reunification.

19 Q Sure.

20 A But if it worked out to be an adoption, it would
21 have been nice.

22 Q Okay. And that's something you were both on
23 board with?

24 A The fostering?

25 Q Yeah.

1 A From what it seemed like, yes.

2 Q Okay. What do you mean "from what seemed
3 like"?

4 A Meaning -- I'm not trying to sound doubtful, I'm
5 just saying that is what I thought he wanted, and he
6 never communicated anything different to me. So if
7 there's something that I wouldn't -- I wouldn't know
8 otherwise, then.

9 Q Sure. Okay. And so when is the first time that
10 you fostered a child, do you remember?

11 A I don't remember the first time; I remember her
12 name.

13 Q What was her name?

14 A Anyia (phonetic).

15 Q And how long was that for?

16 A Just three nights.

17 Q Okay. How was that experience?

18 A Great. It was our first, it was great. It was
19 nice. Just like, again, a miscommunication in court, you
20 know, and they got her finally to the grandmother, I
21 think that's who she ended up with. Year-wise I couldn't
22 remember because we did the foster parenting classes, you
23 get your license, you get your home study, so that was a
24 process. So I don't know the exact year.

25 Q Okay. And who did the licensing for you guys,

1 do you recall?

2 A The licensing agency may have been Devereux.

3 Q Okay.

4 A I think that was the licensing agency.

5 Q And there was some sort of classes that you had
6 to attend?

7 A We did the classes and home study.

8 Q Any other training --

9 A Training to get the -- to get the licensing?

10 Q Yes.

11 A The first time around, not that I can remember.
12 Like the second relicensing, I think like we had to do
13 like a CPR.

14 Q Okay. And I guess they did some sort of home
15 study?

16 A Did a home study.

17 Q Okay. And was that at the house?

18 A Yes. They came --

19 Q They did that in Port St. Lucie?

20 A Uh-huh. They came to our home and like asked us
21 questions and --

22 Q Okay.

23 A -- you know, looked at our home, saw the kinds
24 of rooms we have and like what would be appropriate --
25 what would be an appropriate fit for our home, like what

1 children would be an appropriate fit.

2 Q Right. And did you guys have any discussion
3 about age-wise what type of kids you were looking to
4 foster, or was it just --

5 A I think we decided like no older than five.

6 Q Okay. And why was that?

7 A Because of our strength. I just felt like --
8 he felt and I felt that the younger ones were more our
9 strength. We have Gabriella who at the time I think was
10 maybe seven.

11 Q Okay.

12 A And you didn't want to have a child older than
13 your oldest sibling.

14 Q Okay.

15 A And that kind of was the recommendation.

16 Q Okay. When you were doing this, I guess you've
17 always -- you've been teaching for a long time; right?

18 A Well, I've been teaching -- well, yes.

19 I started in 1996 with the preschool children,
20 three-year-olds, who were autistic.

21 Q When you first started fostering children, what
22 type of work was Michael doing?

23 A Was Michael -- Michael was a student at the
24 time.

25 Q Okay.

1 A And was he substituting -- he was substitute
2 teaching as well, I believe.

3 Q Where was he substitute teaching?

4 A In St. Lucie County School District, I believe,
5 multiple schools.

6 Q Okay. So I think out of the trio of Nydia,
7 Ethan and Tristan, I think the first one that came to
8 your house was Ethan; right?

9 A Yes.

10 Q When was -- do you recall when that was?

11 A December 23rd, 2013.

12 Q '13. Very good.

13 MR. ROMERO: Around Christmastime?

14 MR. RICHARD: What's that? Yeah.

15 BY MR. RICHARD:

16 Q And Ethan came to you I guess through a DCF
17 placement?

18 A Yes.

19 Q All right. And how old was Ethan when he came
20 to you?

21 A Three days old.

22 Q Okay. Did you have any other children with you
23 at that time?

24 A We had Nicholas and Isaiah. Maybe it was just
25 Nicholas -- maybe it was just Isaiah, because at that

1 time Nicholas was being moved to another home but we were
2 waiting until after Christmas because we didn't want to
3 transition him during Christmas.

4 Q Okay.

5 A So we had Christmas with him and then -- so we
6 had Isaiah and Nicholas at that time.

7 Q And Nicholas I think was transitioned out
8 sometime after that; right?

9 A Yes.

10 Q And Nicholas was the younger of the two?

11 A Nicholas was the older of the two.

12 Q Oh, the older of the two?

13 A Yeah.

14 Q Was he the one that was the crier that had a lot
15 of issues?

16 A He -- he needed more attention --

17 Q Okay.

18 A -- than we were able to provide. His needs did
19 not fit our strengths.

20 Q Okay. And was that a decision that you guys
21 made together, that he wasn't the right fit and that
22 he --

23 A Not that he wasn't the right fit. His needs --
24 he had more needs than I think our strengths to help him
25 be successful.

1 Q And out of the two, Isaiah or Nicholas, which
2 one was the one that was crying and that was more
3 difficult?

4 A Well, Nicholas -- well, I wouldn't say more
5 difficult, just more needy. Nicholas.

6 Q Okay. Was Nicholas. And he was transitioned
7 out of the home around the same time that Ethan came in;
8 right?

9 A Yes.

10 Q Okay. Because yesterday Miss Taccetta said that
11 Michael told her that Nicholas was crying all the time
12 and that he wasn't really able -- that Michael and you
13 were not able to really take care of Nicholas and that he
14 needed to -- to get rid of him or get him out of the
15 house.

16 A If those are -- are Michael's words. He did sit
17 with her in church, so I don't know --

18 Q Okay.

19 A I don't know maybe what words he used with her,
20 because Michael sat in the crying room with them.

21 Q Okay.

22 A And I sat up front in church with Gabriella.

23 Q Okay. Nicholas, who was the crier, he actually
24 left before you actually met the Taccettas; right?

25 A You want to know what? You're right, because we

1 one day saw them in church.

2 Q Right.

3 A You're right.

4 Q Ethan came to your home first?

5 A Right.

6 Q And then you met the Tacettas in church I guess
7 a couple months later; right?

8 A I don't know how long it was after that. But
9 again, that could have been a conversation Michael had
10 had with them once they had formed a bond.

11 Q Okay.

12 A Once they had formed a bond, then that was
13 conversation they had. I don't know what conversation
14 they had.

15 Q Okay.

16 MR. ROMERO: If you don't know, you don't know.

17 THE WITNESS: Right.

18 BY MR. RICHARD:

19 Q And you don't need to guess. But from -- so
20 from your perspective, that was not something where --
21 from your perspective, Nicholas was not something that
22 became difficult -- a difficult situation in your home
23 where you said "We just need to get rid of him because
24 he's --"

25 A I would never -- I would not speak like that.

1 I have -- one of my degrees is an ESE degree.

2 Q Sure.

3 A So I would not speak like that, "just get rid of
4 a child."

5 Q Right, right, right.

6 A But I would say maybe his needs are more than
7 what my strengths could handle.

8 Q Sure. Got it. Okay.

9 MR. ROMERO: Which is what you said earlier;
10 right? I'm sorry.

11 MR. RICHARD: Thank you.

12 BY MR. RICHARD:

13 Q So Isaiah stays in the house?

14 A Until May.

15 Q And how old was Isaiah around that time, do you
16 recall?

17 A Maybe -- was he 18 months --

18 Q Okay.

19 A -- when he was reunified? I don't -- I couldn't
20 remember if he was 18 months -- he was 18 months, I
21 believe, when he came to the home.

22 Q Okay. And what was the relationship between
23 Michael and Isaiah?

24 A Close.

25 Q It was close?

1 A Yeah.

2 Q Did you ever have any suspicions that Michael
3 was abusing Isaiah?

4 A No.

5 Q There was no --

6 A If I had any suspicions, I mean I would --
7 I wouldn't just let it happen.

8 Q Okay. And were there any indications or
9 evidence or suspicions that Michael was abusing Nicholas?

10 A No.

11 Q Okay. And again, the reason I bring this up is
12 Miss Taccetta says now that she's talked to the parents,
13 the father of Isaiah and Nicholas, and that he has now
14 stated that he suspects that Michael was abusing these
15 children. Any accuracy to that statement?

16 A I would not know how --

17 Q Okay.

18 A I don't know, no. There was no -- there's no
19 accuracy that I could see that being possible.

20 Q And between the two of you, would you talk to
21 people about children that were placed in your home and
22 what they were doing and the status of them?

23 A I would be more vague in saying "Look, it's a
24 protection of their privacy." I would be more vague.

25 Q Right. In fact, that was part of your training

1 with DCF, wasn't it?

2 A Right.

3 Q That you weren't supposed to disclose that type
4 of information to people; right?

5 A Right.

6 Q Okay. And you said there was a close
7 relationship between -- between Michael and Isaiah. What
8 was his demeanor in dealing with both Nicholas -- or both
9 Isaiah and Ethan during that spring and summer --

10 A Can you please repeat the question?

11 Q Sure.

12 A You said a few names in there, so --

13 Q I probably did. It was a bad question, I'm
14 sorry. Strike the question, we'll start over again.

15 Let me just give you a time frame. Isaiah and
16 Ethan are in the home between about December and May
17 together?

18 A Yes.

19 Q And Michael cared a lot for the boys?

20 A Yes.

21 Q In fact, at some point I guess he really became
22 almost the primary caretaker because you were working
23 full time in Jupiter; right?

24 A So -- correct. So Michael -- in the morning we
25 would wake up and take care of the boys together.

1 Q Correct.

2 A And then Michael would drive them to day care.

3 Q Okay. And what was Michael's demeanor around
4 those two children?

5 A Very loving. I mean he's -- he was loving with
6 them.

7 Q Okay. Did you ever see him get upset or lose
8 his cool with the kids around?

9 A Like, okay, so if -- when Ethan started like
10 sitting up and eating and like you know how babies, they
11 reach -- if Ethan would grab for the spoon and jerk the
12 food off, you know --

13 Q Right.

14 A -- of course, "Oh, oh, oh, oh," and he would
15 like -- his hand would smack the table.

16 Q You never saw him smack any of the kids?

17 A No.

18 Q Okay. You guys were actually fairly regimented
19 in your discipline with the children; right?

20 A Could you please elaborate?

21 Q Sure. For instance, when you would have
22 time-out with the children --

23 A Uh-huh.

24 Q -- you guys had a system for where you would
25 have time-out with the children; correct?

1 A They had a time-out spot.

2 Q Okay. And there was also a time -- a time
3 limitation on time-out based on their age?

4 A Per minute.

5 Q And how was that determined?

6 A So two years old, two minutes.

7 Q Okay.

8 A Five years old, five minutes.

9 Q Okay. And where did you come up with that?

10 A I think we read that somewhere. I just kind of
11 remember hearing that or, you know, talking Mom talk.

12 Q Right. And both of you would use that --

13 A Uh-huh.

14 Q -- that --

15 A Yes.

16 Q -- regimen; right?

17 A Yes.

18 Q How about spanking, did either of you ever spank
19 any of the children?

20 A No.

21 Q Did you ever see Michael ever spank any of the
22 children?

23 A No, I did not.

24 Q Was that something you and he had talked about,
25 disciplining the children?

1 A You don't spank the children.

2 Q Okay. Why?

3 A First off, I -- I just don't like the spanking.

4 Q Sure.

5 A I just -- it's not -- it's humiliating.

6 Q Okay.

7 A But second off, it was a key part of the
8 training. I mean, you use alternative methods of
9 redirection. I mean, that is first off, yeah. First
10 off, yeah, you use redirection, you use mediation, you
11 use --

12 Q Right. And Michael adhered to those same
13 skills; right?

14 A I would say when I was around, yes.

15 Q Okay. Well, did you ever know him not to do
16 that?

17 A I can't say what I don't know when I'm not
18 there.

19 Q Okay.

20 A So...

21 Q How about his play time with -- with the -- with
22 Isaiah and Ethan, did he play rough with the kids?

23 A Ethan was in -- pretty much of a newborn, I mean
24 you're talking -- so couldn't really roughhouse with
25 Ethan.

1 Q Okay.

2 A And Isaiah, I don't think he enjoyed that kind
3 of play too much.

4 Q Okay.

5 A So I just don't think so. They would go outside
6 and play ball, you know, do the, quote, dad/son stuff.

7 Q Okay. And how about his relationship -- what
8 was Michael's relationship with Nydia like?

9 A I would do the girl stuff, so like -- and that's
10 kind of the roles we took. So, you know, Nydia had more
11 needs like hair care needs and she didn't quite know how
12 to like take care of -- like wash herself quite ready
13 yet. So I like took care of Nydia, and at night Michael
14 would take care of -- let's see, Tristan and Ethan would
15 kind of -- hand off; Ethan was like whoever -- which one
16 of us was available the most.

17 Q Right. And Tristan came to your home I guess in
18 July of --

19 A No, Tristan came in January initially.

20 Q Oh, that's right, Tristan came in January.

21 A Tristan and Nydia came overnight in January.

22 Q Right. And how long did Tristan stay on that --

23 A One night. They came and then they left the
24 next morning.

25 Q Okay.

1 A And then I want to say May -- was it May? No,
2 June -- June, July -- July, right, is when we got back
3 from the cruise.

4 Q Right.

5 A And that's when the transition from the --
6 from -- I can't think of their last name.

7 Q They lived in Stuart, I can't think --

8 A I can't -- Miss Stephanie.

9 Q McNamara?

10 A Bethany. I know just Bethany. I don't know
11 their last name -- McLaughlin?

12 Q Yeah, I think that's it.

13 A McLaughlins.

14 Q Okay.

15 A The transition happened from the McLaughlins to
16 us.

17 Q Okay. And how did that come about?

18 A We were interested in -- as well as after
19 forming a bond with the family.

20 Q Right.

21 A The family was as well interested in having the
22 children together and we thought that would be in the
23 best interest of the children.

24 Q Okay. And when you talk about the family, are
25 you talking about Liz and --

1 A Correct. We --

2 Q Taccetta?

3 A Correct. We had formed a bond with them, we
4 formed a relationship, mostly a spiritual, a church
5 relationship, but it was also a thing of -- like I think
6 we one time got permission to travel to Disney.

7 Q Right.

8 A I forget what that was for. I mean, it was an
9 occasion.

10 Q Right.

11 A So we would meet them for like a lunch one day.

12 Q Okay. And this was really Liz and Liz's mom,
13 not necessarily Elise?

14 A Right, it was more Liz and Gloria.

15 Q Right, Liz and Gloria Taccetta. And how many
16 times -- did you ever meet -- I keep saying --

17 A The mom? A few times.

18 MR. ROMERO: Elisa.

19 THE WITNESS: Elisa, the mom? A few times.

20 BY MR. RICHARD:

21 Q She was sort of in and out of the picture, I
22 guess not living in the house, sometimes she was,
23 sometimes she wasn't. Were you aware of that?

24 A Correct. And in and out of facilities.

25 Q Okay. So Tristan comes to you, I guess --

1 I guess the two Taccettas, mother and daughter,
2 approached you in church and asked you about uniting all
3 of the children in your house; right?

4 A I cannot recall if -- them approaching us or
5 whether it was through conversation being like a mutual
6 idea.

7 Q Right.

8 A At which -- being a mutual idea is when we
9 approached the Department.

10 Q Okay. And that occurred -- when -- did Nydia
11 and Tristan come at the same time in July?

12 A Yes.

13 Q Okay. And I guess that was sort of a family
14 decision, I guess you and Michael and I think you
15 included your daughter?

16 A Uh-huh.

17 Q And talked to her about --

18 A Yes.

19 Q -- whether that would be a good fit or not;
20 right?

21 A Yes.

22 Q And that was a family decision that you would go
23 forward and do that; right?

24 A Yes.

25 Q When Tristan comes to your home in July, were

1 you provided any medical background on him?

2 A There was no medical background. There was
3 no -- like I would say, for example -- I'm just trying --
4 no medical background that was diagnosed per se or that
5 was -- maybe we were told that the family -- as in the
6 family, but nothing that was diagnosed. Even Ethan at
7 his age, they didn't -- they diagnosed him, but not --
8 they didn't give him a permanent diagnosis, because he
9 was having those -- he was in the hospital in May for a
10 few days, which I think ended up being reflux. But they
11 gave us a nebulizer which was for Ethan and we wrote
12 Ethan's name on it.

13 Q Right.

14 A So that was the only medical equipment for any
15 of the children.

16 Q Okay. And Tristan -- well, did DCF ever give
17 you what they call --

18 A The green book?

19 Q -- the green book, there you go. Did they give
20 you a green book?

21 A Yes.

22 Q Did the green book have the medical background
23 and information?

24 A I do not recall what was in there.

25 Q Okay. You're aware that Tristan had tubes in

1 his ears; right?

2 A Oh, yes, I was. Yes, I was. The tubes I was.

3 Q Do you know when those were put in, do you have
4 any idea?

5 A I do not.

6 Q Do you know why he had tubes in his ears?

7 A I would -- I do not recall why, just because I
8 mean now you're talking over a year.

9 Q Sure. And you were advised that he had asthma?

10 A I would say not that we were advised. Again,
11 nothing was ever diagnosed, except the family would say
12 to us "There's a history of asthma in the --"

13 Q Okay.

14 A Nothing -- there was nothing medically that we
15 were told.

16 Q Okay.

17 A Nothing that I recall either as well.

18 Q Okay. Based on your interactions with Tristan,
19 were you able to determine that he had some kind of
20 respiratory issues?

21 A I would say at -- I would say that month of
22 September we had him to the doctor's multiple times.

23 Q Why?

24 A They just -- they couldn't -- it was this, it
25 was that. Then -- so it was just different diagnoses.

1 Q Right.

2 A What they were, I cannot recall.

3 Q Okay.

4 A But like, again, I cannot recall them officially
5 saying he had anything that would -- I guess is the
6 question asthma; is that what you're --

7 Q No, I'm just asking medically.

8 A Because you said -- the way you had -- I thought
9 you had like mentioned asthma before, "Did you know he
10 had asthma?"

11 Q Yeah.

12 A That's why I'm asking. Nothing that I can
13 recall. And maybe the reason why is Michael was the one
14 that would take him to the doctor's.

15 Q Okay. Do you know who the doctors were?

16 A I know he saw Leslie, who is an M.A.

17 Q Right.

18 A A lot. Her name was Leslie.

19 MR. ROMERO: Last name or first name?

20 THE WITNESS: First name.

21 MR. ROMERO: Okay.

22 BY MR. RICHARD:

23 Q And then there was a Dr. Sonnenblum?

24 A Michael Sonnenblum. I don't know how often --
25 again, I didn't go to the doctor visits, so I don't know

1 how often he saw Dr. Sonnenblum.

2 Q And who would make the decision to take Tristan
3 to the doctor?

4 A Mostly Michael would be the one to take Tristan
5 to the doctor because I was taking care of the girls at
6 night.

7 Q Okay. But was that a decision that you were
8 involved in, that Tristan should be going to the doctor?

9 A Yes.

10 Q And for what reason?

11 A Because he was sick.

12 Q Okay. When you say sick, what do you mean by
13 that?

14 A Just he wasn't -- just he wasn't getting better.
15 So it would be like okay, we're -- I forget how many
16 days, we're "X" amount of days into medicine or "X"
17 amount of days -- just like you, if you have a cold,
18 you're "X" amount of days into a cold and it's not going
19 away, you go --

20 Q Sure.

21 A So recalling exactly the reason why, of why a
22 decision was to go back to the doctor or a reason why to
23 go back to the doctor, what was the reason, I cannot
24 recall.

25 Q Okay.

1 A But obviously at that time we saw a reason that
2 was enough to make us say "Hey --" and as well, I mean
3 you have to think "They're not our children." The
4 children are not our children.

5 Q Sure.

6 A We're not doctors.

7 Q Right.

8 A So we would take them.

9 Q Okay. Let me ask you this. What were some of
10 the symptoms that were -- I mean was he -- was he
11 vomiting, was he sweating, was he crying?

12 A No, it wasn't vomiting, it wasn't sweating, it
13 was -- you're asking me to recall something that --

14 Q I know.

15 A I'm trying -- and I don't want to just say
16 something just to say something.

17 Q And you're not supposed to.

18 A I really -- I cannot recall.

19 Q That's fine. And I should have prefaced the
20 questions with this. That's a perfectly fine answer,
21 because I'm asking you about things that occurred a long
22 time ago. I'm not asking you to guess, okay?

23 A Okay.

24 Q If you don't know, "I don't recall," that's a
25 perfectly fine answer. Okay?

1 A Okay.

2 Q At some point Tristan was given Albuterol.

3 Was that with the nebulizer or was that a medication that
4 was --

5 A Albuterol. Is that the liquid one that is given
6 into the inhaler or is Albuterol the liquid medicine?

7 Q I can't answer the question for you.

8 A There's one that is a clear liquid medicine
9 that's given orally, and I don't which one Albuterol --
10 I don't know what Albuterol is.

11 Q Okay. Fair enough.

12 MR. RICHARD: Let's go off the record.

13 (Whereupon, there was an off-the-record
14 discussion.)

15 MR. RICHARD: Let's go back on the record.

16 BY MR. RICHARD:

17 Q At some point he was referred to an ENT. Were
18 you involved with that at all?

19 A I believe Michael -- yes, I believe Michael took
20 him to the ENT and I'm trying to recall why he had to go
21 to the ENT.

22 Q Okay. Well, he had tubes in his ears,
23 obviously.

24 A Tubes in his ears, but I'm trying to recall if
25 there was another reason why beyond the tubes.

1 Q Were there some issues or concern with his --
2 I'm talking about "his" when I'm saying Tristan,
3 Tristan's -- strike that. Let's start over.

4 When you say Tristan appeared to be sick and
5 then getting sicker, was he -- was he not physically
6 active, or was --

7 A I wouldn't say sicker, I would just say not
8 getting better.

9 Q Okay. Got it.

10 A So --

11 Q And was -- was Tristan physically active?

12 A He was withdrawn and we were seeking help from
13 the agency with that.

14 Q Okay.

15 A Getting him signed up for services.

16 Q Okay. He was nonverbal?

17 A Nonverbal.

18 Q Okay. He would sometimes just sit up and sort
19 of stare at things and look at a wall, I guess; right?

20 A Uh-huh. Yes.

21 Q Okay. And you actually sought help from --
22 I guess through Devereux to get him speech -- help with
23 speech issues?

24 A I don't think we -- I don't think we went
25 through Devereux, I think we went through something

1 Harris, a speech therapist.

2 Q Okay. And why --

3 A I forget her name, but she worked with -- she's
4 done -- she's worked with other of our other foster
5 children.

6 Q Okay. And why were you trying to get him speech
7 therapy?

8 A Because he was nonverbal.

9 Q Okay. And did you feel at that age he should
10 be?

11 A Yes.

12 Q Why?

13 A They're -- just the utterances, there wasn't
14 like appropriate language, even like requesting or --
15 there was not even play language, formal language.
16 There was no formal or play language --

17 Q Right.

18 A -- that we -- that we would see.

19 Q Okay. And you not only have a Master's degree,
20 but you were involved with ESE kids; right?

21 A I would say -- yes. And that was -- I've been
22 teaching kindergarten now -- so that was over ten years
23 ago I worked with the ESE children.

24 Q Okay. But from your point of view, there was
25 something --

1 A Right. His expressive language wasn't as well.
2 His receptive language, the language he receives and
3 understands was there.

4 Q Okay.

5 A But his expressive language, the language he
6 could communicate and express his needs and wants, and
7 his play language, his formal language was not. So we
8 thought it would be a good idea to give him some speech
9 therapy.

10 Q Okay. Would he cry a lot, Tristan?

11 A More whimper. I'm demonstrating to you, which I
12 know is not --

13 MR. ROMERO: Good.

14 THE WITNESS: -- record, but I guess that would
15 be his bottom lip quivering or looking sad and
16 withdrawn.

17 BY MR. RICHARD:

18 Q Okay.

19 A It wasn't like a sobbing crying.

20 Q Okay. When you -- when he whimpered, would he
21 make any verbal noises?

22 A None that could be understood. So I would say
23 like -- like he didn't have -- or motor control which
24 made me think -- made me think he would need speech
25 because his -- he couldn't produce the sounds he was

1 trying to communicate. So yeah -- did he make sounds?
2 Yes. But it wasn't something that we could understand.

3 Q Ever any concerns that he might be autistic?

4 A Not that I can remember I would think that just
5 because he didn't have communication skills.

6 Q Okay. When -- when you had Tristan, you would
7 actually see the Taccettas at church pretty much every
8 Sunday; right?

9 A Yes.

10 Q They were devout Catholics? When I say "devout
11 Catholics," they went to church every Sunday at a
12 Catholic church; right?

13 A They went to church every Sunday at a Catholic
14 church. I would say that was their first, after not
15 having had Ethan, was their first time returning to
16 church.

17 Q Okay.

18 A So --

19 Q And had you been attending that church
20 regularly?

21 A Yes.

22 Q For how long?

23 A We had Gabriella baptized there, so...

24 Q Okay. And how often would you and Michael go to
25 church?

1 A There was a period -- I can't remember how long
2 of a period, but there was a period we did not go. But
3 we were pretty regular every Sunday.

4 Q Okay. And were you involved in the church in
5 other ways as far as either Sunday school or ministering
6 or --

7 A Well, we had Gabriella in her CCD class,
8 kindergarten, first and second grade where she made her
9 communion.

10 Q Okay.

11 A Beyond that, no, I was not. I would say
12 Michael, within the past six months of -- of -- prior,
13 maybe six months, did become a knight. I don't know if
14 he officially finished his knightism (sic), but that's
15 what they call it.

16 Q Okay.

17 A I don't know what the official name is, but I
18 don't know if he finished his last part of it.

19 Q Okay. But he was -- during the last six months
20 prior to his arrest, he was very involved in the church;
21 right?

22 A As -- he would -- he became a knight. I
23 wouldn't say how involved, I mean --

24 Q Okay.

25 A -- to say he was involved, he went to a few

1 meetings --

2 Q Gotcha.

3 A -- to become a knight.

4 Q Okay. Fair enough. But when you would go with
5 Tristan, you would see the Taccettas on Sunday; right?

6 A Yes.

7 Q And then you would often visit with them I guess
8 on a Wednesday afternoon or evening in the park?

9 A Which I believe was a visit through the
10 Department.

11 Q Okay.

12 A With the -- with the transporter there.

13 Q Okay. But you would go with -- and who was the
14 transporter?

15 A Her name is Jackie.

16 Q Do you know her last name?

17 A I have her phone number.

18 Q Okay. When you say transporter, what do you
19 mean by transporter?

20 A A transporter is someone that works for the
21 Department --

22 Q Yeah.

23 A -- that would -- typically she would, let's say,
24 pick him up from school and drive him to the park and the
25 parents would have their visit.

1 Q Okay. And was that generally with Gloria and
2 Liz or was that with Elise?

3 A It would be -- it would be mostly Gloria and Liz
4 and sometimes it would be Elisa and sometimes it would --
5 sometimes like maybe a handful of times, once, twice, Dad
6 would show up.

7 Q Okay. Were you aware of either Dad or Mom's
8 medical history?

9 A Dad's, no.

10 Q Okay.

11 A Medical history. Well, would medical history
12 include -- I mean, we knew Mom had -- had drug issues.

13 Q Right.

14 A I don't know her medical history. Again, the
15 only history the family would tell us is "Well, there's
16 asthma in the family."

17 Q Okay.

18 A That's the only medical. But to say "There's
19 asthma in the family" is so broad.

20 Q Sure. So the transporter would pick the
21 child -- pick Tristan up from day care?

22 A Uh-huh.

23 Q Take him to the park. Would you meet at the
24 park or how would you be involved?

25 A Typically -- let's say it could have been a

1 dance night for Gabriella.

2 Q Right.

3 A So I would take Gabriella to dance, Michael
4 would meet at the park. So we both were, you know, doing
5 something with the children.

6 Q Okay. Would you ever meet the --

7 A A few times I did, I started to meet up with
8 them.

9 Q Okay.

10 A Not -- not often, not that I could say would
11 qualify as --

12 Q When it would be time for Tristan to leave the
13 Taccettas and go back home with you or Michael, was
14 Tristan upset about that?

15 A Yes.

16 Q Why? Why would he get so upset?

17 A That's his -- that's his family. I mean, there
18 was a time period that he was there; I mean, he knows --
19 there was a bond already there with them which was great.

20 Q In fact, Tristan used to sleep with his
21 grandmother; right?

22 A I don't know that.

23 Q Okay. Were there times when they would give
24 Tristan to you to go home and Tristan would be difficult
25 to get in the car and be crying and be upset?

1 A Yes.

2 Q Okay.

3 A And then I would sit him in and Michael would
4 have to help me come buckle him in, because I'm not as
5 like -- I can't -- I can't like -- I don't want to say
6 he's bigger and stronger, but like holding him in while
7 he's -- like holding, you know, like buckle, put my hands
8 together to put the buckle together, where Tristan
9 couldn't, let's say -- I want to say squirm out of the
10 seat as easily.

11 Q Right. In your house, your house was set up
12 where the boys were on one side and the girls I guess
13 were on the other side?

14 A Yes.

15 Q Would you interact with the boys as well as
16 interact with the girls?

17 A Yes.

18 Q And would Michael do the same?

19 A Yes. The girls he would not -- he was very --
20 our biological daughter as far as he could walk in if she
21 was showering or -- it would be not like -- but with
22 Nydia, I was the caregiver of Nydia.

23 Q And I'm not so much talking about personal
24 stuff, but just interacting as far as making lunch and
25 breakfast and doing those types of things.

1 A Yes.

2 Q Okay. There was some indication by Miss
3 Taccetta made yesterday that Michael was abusing the boys
4 throughout the whole time that Tristan was there and that
5 you were not aware of it because the house was divided
6 and that he would --

7 A Mostly yes, I would say yes, in that -- you
8 said, like I had mentioned earlier in this deposition --

9 Q Yes.

10 A -- that although it was equal in that, you know,
11 they're our children --

12 Q Sure.

13 A -- but I would say take care of the girls
14 because they had the hygiene.

15 Q Sure.

16 A And he would take care of Tristan and we would
17 both take care of Ethan.

18 Q Okay. And was there ever any concern that
19 Michael was abusing Tristan?

20 A No, there was no concern. Just I -- Michael has
21 a big voice.

22 Q Okay.

23 A And sometimes his voice could be over -- you
24 know, to a two-year-old might be scary.

25 Q Right.

1 A But that to me was the only thing I could think
2 that would make it that maybe Tristan was like more
3 reserved with Michael. You know, he's got the broad
4 shoulders --

5 Q Sure.

6 A -- he has the deep voice.

7 Q Right.

8 A So that in my mind would have been like the only
9 thing that maybe Tristan was more reserved with.

10 Q Okay. But you never saw any signs of abuse, did
11 you?

12 A No.

13 Q You never saw any bruising on any of the
14 children, did you?

15 A No.

16 Q You never saw him spanking any of the children?

17 A No.

18 Q You never saw him hit any of the children?

19 A No.

20 Q You never saw any burns or cuts or anything that
21 would make you think there was something --

22 A No, anything that I would see came with an
23 accident report from school.

24 Q Okay.

25 A And if it didn't, I would ask where the accident

1 report was, Michael would call the school and an accident
2 report was filed.

3 Q Okay. He never played so rough with -- now, we
4 talked about him playing with Ethan and Isaiah, but did
5 he play rough with Tristan?

6 A No.

7 Q Okay. I mean, there were never any sores or
8 cuts on Tristan after Michael would play with him, were
9 there?

10 A No.

11 Q You would actually watch them and interact with
12 them when they were playing; right?

13 A Yes.

14 Q Were there concerns when Tristan was playing
15 that he had some kind of respiratory issues?

16 A Again, I would say not that I would think, you
17 know, or could recall in that we had him to the doctor
18 that last period.

19 Q Okay.

20 A But prior to that, nothing would make me think
21 he -- what was it you referred to it as?

22 MR. ROMERO: Respiratory issues.

23 MR. RICHARD: Respiratory issues.

24 THE WITNESS: Respiratory issues.

25 ////

1 BY MR. RICHARD:

2 Q Are you aware that the Taccettas are suing DCF?

3 A No, I'm not aware.

4 Q Okay.

5 A I don't communicate; in fact, I've stopped going
6 to church because I know they go to the same church.

7 Q Yeah.

8 A And they sit in the same row we would sit in
9 now.

10 Q Yeah.

11 A But I'm -- I'm getting ready to go back to
12 church. I've asked some friends because they say --
13 they're cordial to them. I don't know, I don't think
14 they have a friendship with them, but I've asked friends
15 and I don't know if they have yet, but I wanted to ask
16 again to please be respectful of my space.

17 Q Sure.

18 A Of all this.

19 Q Absolutely.

20 A And that's really the reason why I have not gone
21 back to church. It's my home church.

22 Q Sure, and you want to go back to the same
23 church.

24 A And at the same time, I want to make sure
25 Gabriella is protected.

1 Q Yeah, of course. Sunny goes to that church?

2 A Yes.

3 Q Okay. About a week before, a couple weeks
4 before Michael got arrested, Tristan developed some sort
5 of either infection or sores on his mouth; right?

6 A Uh-huh.

7 Q What was that?

8 A There was an unusual name for it, I've never
9 heard of it before.

10 Q What is it?

11 A I don't know, it was an unusual name. I'm not
12 laughing, I'm just saying I am --

13 Q Yeah.

14 A It was so unusual that I don't remember it.

15 Q Do you know?

16 MR. ROMERO: Stoma?

17 THE WITNESS: Soma --

18 MR. ROMERO: They just call it stoma for short.

19 THE WITNESS: Okay.

20 BY MR. RICHARD:

21 Q So what did you observe on Tristan's mouth?

22 A Inner -- inner blisters.

23 Q Okay.

24 A And then I think that was like the last medical
25 thing that I could recall.

1 Q Okay. Was there anything on the exterior of the
2 mouth?

3 A No.

4 Q Or just on the interior?

5 A Just the interior.

6 Q And it got to the point at some point you
7 decided you'd take him to the doctor for that?

8 A Yes.

9 Q Did you go to that doctor's visit?

10 A No.

11 Q I guess he was provided --

12 A Well, I'm sorry, let me take that back.

13 I cannot recall.

14 Q Sure, no problem. And do you know whether he
15 was provided any medication for that?

16 A It was -- which one is the white one?

17 Amoxicillin? The white liquid one.

18 Q Okay. And so he was given Amoxicillin. Do you
19 recall whether he was ever getting Augmentin for that?

20 A Maybe it was -- I don't know, it was a white
21 one. I don't remember the name of the prescription.

22 I know --

23 Q Okay. And how often was Tristan given that
24 medication, do you recall?

25 A I don't recall.

1 Q Okay. The night before he died, was he given a
2 double dose of Amoxicillin?

3 A Not that I can recall. I remember we were --
4 weren't like -- we said "Well, did you give him a dose?"
5 So there wasn't -- there was -- it wasn't positive.

6 Q Okay. And on that Sunday, which is September
7 28th, I guess for some reason Michael took the girls to
8 church?

9 A The van would not start.

10 Q Okay. And so why was it that Michael took the
11 girls to church and you stayed home?

12 A I just think preference, I just think it was
13 just Michael went and I stayed home.

14 Q Okay. But there was no --

15 A There was no like --

16 Q No plan --

17 A No. It was no --

18 Q Okay. And because the van couldn't start, you
19 all couldn't ride together; right?

20 A Correct.

21 Q Okay. And I guess Michael took the girls to
22 church, you stayed home. What were you doing when you
23 were home that morning?

24 A Laundry.

25 Q Okay. Is that something that Michael used to do

1 a lot?

2 A Yes.

3 Q Okay. Why is it that you were doing the
4 laundry?

5 A Because it had to get done.

6 Q Okay.

7 A It had to get done.

8 Q Were there any other type of cleaning,
9 housecleaning, cooking you were doing?

10 A I made Tristan lunch that day.

11 Q Okay.

12 A The night before we had had -- I can't -- I took
13 some chicken, breaded it up, sauted it in the pan and we
14 had some left over. I made them into little nuggets for
15 the kids. So I re-heated those in the toaster oven for
16 him.

17 Q Okay. Tristan still had the infection on the
18 mouth at that time, that morning?

19 A As well as some little pasta, like little angel
20 hair or some little spaghetti.

21 Q But he still had that infection on his mouth at
22 that time?

23 A Yes.

24 Q Were you doing any cleaning of the house,
25 mopping of the floors, anything like that?

1 A No, not that I can recall. It was just laundry.
2 In fact, I -- it was so cute, Tristan was helping me
3 doing the laundry and sorting the laundry and we were --
4 we just had a really nice morning together. He took
5 the -- like the one little white laundry basket and I
6 said to him, "Okay, go put it into Gabriella and
7 Nydia's room," and he pushed it into Gabriella and
8 Nydia's room. And he went and got my hand and he pulled
9 me into Nydia and Gabriella's room and he goes like this
10 (demonstrating) to point to it like all proud of himself
11 that morning.

12 Q Right. And Mike -- do you recall what time
13 Michael came back from church with the girls?

14 A Goodness gracious, I can't say the time. I
15 recall -- I don't recall, I just know because I was doing
16 laundry, I was cooking lunches, maybe 11:30, because --

17 Q Okay. Did Michael tell you there was anything
18 unusual that happened at church?

19 A I cannot recall.

20 Q Did he tell you that he saw Elise there?

21 A I do not recall that. That I do not recall.
22 I don't recall that.

23 Q Okay. Do you think that would have concerned
24 him for any reason if he would have seen Elise at church?

25 A Again, I don't know --

1 Q Okay.

2 A I don't know.

3 Q The reason I ask is Miss Taccetta yesterday made
4 a statement that he came to church, he saw Elise, freaked
5 out, left early, went home, and then there was some
6 either plan or scheme because of that incident or that
7 encounter.

8 A He came home I guess -- I just said like maybe
9 around 11:30.

10 Q Okay. Nothing unusual when he comes home;
11 right?

12 A No.

13 Q Okay. Were you guys planning to adopt Ethan or
14 Tristan if that was possible?

15 A If -- if it had come up, yes.

16 Q Okay. Why?

17 A We loved them.

18 Q Yeah.

19 A Like our own children.

20 Q Did Michael love them?

21 A Yes.

22 Q Michael took good care of them?

23 A I would say.

24 Q Okay. So he comes home from church. I guess
25 you guys had lunch together; right?

1 A I would say I sat down with Ethan and Tristan
2 and I -- and I can't -- I just visually cannot recall, so
3 -- I cannot recall.

4 Q Okay.

5 A But I sat here, Tristan sat here and Ethan sat
6 in his highchair. I'm visually speaking and I just can't
7 recall if the girls -- like if Nydia sat there and Gabby
8 sat in her chair, I just cannot recall.

9 Q Okay. And at some point -- were you there when
10 Michael put the boys down for a nap?

11 A I was there, but I cannot recall if it was
12 Michael or myself putting them down at 12:30.

13 Q Okay. Right. And then you took the girls out
14 to go have ice cream?

15 A Yes.

16 Q And -- and was Michael watching football when
17 you left?

18 A Yes.

19 Q Okay. He did that every Sunday; right?

20 A Yes.

21 Q Had this fantasy football thing going on?

22 A Yes.

23 Q Is this something he would do with your brother,
24 too?

25 A Yes.

1 Q I guess they were in some sort of league
2 together?

3 A Yes.

4 Q And so pretty much Sundays on his part were
5 spent watching football and doing the fantasy --

6 A Well, okay, I would say -- you say doing the
7 fantasy. I would say because -- I think they're picks;
8 is that what they call them, picks -- had to be by 12:30.

9 Q Right.

10 A So after 12:30 no changes could be made. So
11 pretty much it was just -- you could pull it up on the
12 iPad and watch your points go or pull it up on your
13 computer, have it running constantly on the computer and
14 just watch your points.

15 Q Okay. Is that something he would do pretty
16 much --

17 A He would watch the points, yes. That was
18 basically his involvement, is watching his --

19 Q Right. He wasn't doing -- after 12:30 he was
20 basically just watching; right?

21 A Right.

22 Q Okay. But that's something he was pretty
23 involved in; right?

24 A Yes.

25 Q Pretty consistent doing that every Sunday?

1 A Yes.

2 Q So do you recall whether the boys were already
3 napping at the time you left on that Sunday?

4 A They were napping.

5 Q Okay.

6 A And I, you know -- I know there was one time,
7 I think at 1:15 --

8 Q Yeah.

9 A -- Tristan had woken up, I'm like -- like a
10 little whimpering -- excuse me -- cry.

11 Q Okay.

12 A And I was sitting -- like I was sitting on the
13 couch like where I could -- where Michael had gone down,
14 because I knew if I had went in there -- I was trying to
15 get out the door, so I knew if Michael went in there and
16 told him "Lay down, Tristan, go back to sleep," then I
17 could still get out the door with the girls.

18 Q Okay.

19 A So Michael went in, I could see the light, he
20 opened the door, I could see the light fill the
21 hallway --

22 Q Right.

23 A -- I heard him say -- however he said it, "Go
24 back to bed," however he said it, and then I could see
25 the door close and Michael came back in.

1 Q Okay. And when you say you heard whimpering,
2 what -- what do you mean by that?

3 A Michael said when he went in there, Tristan was
4 sitting up.

5 Q Okay.

6 A And that's -- I mean, that's to the extent I
7 know.

8 Q And was the door to the bedroom closed?

9 A Yes.

10 Q So you could hear Tristan had woken up and he
11 was whimpering or had some kind of issue through the
12 door?

13 A You could hear I would say the whimper. Maybe
14 it was a bad dream, you know, maybe he pooped himself,
15 Michael had opened the door, told him to lay back down,
16 and closed the door.

17 Q Okay. And Michael told you that when he went in
18 the room, Tristan was sitting up; right?

19 A Yes.

20 Q And I guess around that time, you got the girls
21 and you went out for ice cream?

22 A It was around like 1:30 we were in the car.

23 Q Okay. And then did you receive any of the phone
24 calls from Michael that he made to your cell phone?

25 A The phone never rang.

1 Q Your phone never rang?

2 A My phone never rang.

3 Q Did he have another phone at the home or is
4 there a home phone?

5 A There's a home phone.

6 Q Okay. So you didn't get any phone calls. What,
7 I guess at some point you're driving home and what's --
8 what do you observe when you pull into the house?

9 A When I pulled up to the driveway --

10 Q Yeah.

11 A -- we're in the driveway and the girls wanted to
12 hear -- I forget what song it was, were getting ready to
13 put in a CD and as my hands are getting ready to put in
14 the CD, I see Michael running out. And if I had like a
15 doll, faced -- Tristan facing forward. So scooped under
16 like the arms, Michael with Tristan facing forward, and
17 Michael on the phone.

18 Q Okay. Who was he calling, do you have any idea?

19 A I now know 911. I did not know then. I now
20 know, of course. But that day of, you know --

21 Q Okay. So you pull in the driveway?

22 A Well, I'm already parked in the driveway.

23 Q Right. What happens next?

24 A As I'm putting the CD in, Michael comes running
25 out with Tristan.

1 Q Okay.

2 A The CD -- I don't know if the car was still
3 running and the CD went somewhere in the car, and I go
4 running out and I take Tristan from his arms and I cannot
5 recall if I asked him, which I believe I did, "Have you
6 started CPR?"

7 Q Right. And what did he tell you?

8 A I cannot remember his answer, but I later now --
9 later got an answer that he did not.

10 Q Okay. Did you administer CPR?

11 A Breaths only.

12 Q Okay. So Michael comes out, he's got the --
13 he's got Tristan in his arms?

14 A Scooped with one arm.

15 Q He's got the cell phone?

16 A The house phone.

17 Q House phone. And you say "Did you start CPR"?

18 A Well, I didn't say -- I can't remember if I said
19 "What happened? What's wrong?"

20 Q Right.

21 A What you would say when you're approaching
22 someone.

23 Q Sure.

24 A Because he had this like look on his face,
25 Tristan, the baby, of blankness --

1 Q Okay.

2 A -- on his face.

3 Q And what was --

4 A So I can't remember my first question. "Did you
5 do CPR," of course that would not be the first question.

6 Q Of course. What did Michael look like?

7 A Panic.

8 Q Okay. And so he -- where does Michael walk out
9 to with the child?

10 A So this is the front door, he walked a few steps
11 out because he had like the little underway of the door,
12 and then he stepped here, which like -- and then it went
13 this way and then it went this way. So he stepped to
14 about this way.

15 Q Okay.

16 A I know this is recorded. So you walk straight
17 and when you walk straight out from the door, you can
18 turn right to go down the rest of the driveway. He went
19 straight.

20 Q Okay.

21 A And then I ran up from the car, grabbed Tristan
22 from his arms, and knowing he wasn't breathing, I'm
23 like -- because I could see he was like all -- he was
24 very flimsy, he had no motor, no muscle control. I start
25 breathing in his mouth, I'm like "Okay, I have to lay him

1 down." So I went further down the pathway of our home
2 and laid him down on the driveway.

3 Q Okay.

4 A And Michael then at that point is still talking
5 to 911, he was not fully relaying to 911 what -- what was
6 going on. He just kept screaming "Get here. Where are
7 you? Where are you? Get here." And I could, you
8 know -- then he would periodically say "No, sit him up,
9 sit him up." But sitting him up, he -- he kept falling
10 back. He had no control.

11 Q Okay.

12 A So I couldn't even -- I couldn't sit him up
13 even, because he kept --

14 Q Right.

15 A -- falling back.

16 Q Right. And Michael -- did he seem concerned?

17 A Panicked.

18 Q Okay. So you did some mouth-to-mouth; right?

19 A Yes.

20 Q Fire Rescue gets there?

21 A Yes.

22 Q What happens after -- what happens next?

23 A They take the child -- they -- I cannot remember
24 their words, but their words to me signaled for me to
25 directly hand them Tristan.

1 Q Okay.

2 A And so I supported his neck, I supported his
3 body, and I handed Tristan to -- and they took him right
4 to the ambulance.

5 Q Okay. And then what happened after that?

6 A I ran in, I got the medicine that he was on.

7 Q Okay.

8 A And Michael went into the ambulance with them
9 and I stayed back with the girls.

10 Q Okay. What happens next that is most
11 significant?

12 A I have -- I mean, I would -- I got a phone call
13 from Michael, "Please call Father Szanyi."

14 Q Who is that?

15 A Father Szanyi is the priest at our church.

16 Q Okay.

17 A But I have to say, I mean at that point I had
18 made some phone calls to the Department, the Department
19 people are coming, the police are now at our home, like
20 swarming our home.

21 Q Right.

22 A From that end, that's the only end I know,
23 I don't know the end at the hospital.

24 Q Okay. At some point you went to the hospital;
25 right?

1 A After he had passed.

2 Q Do you know what time that was when you got
3 there?

4 A No, I don't. I don't. It was -- it was --
5 I think it was still daylight at that point, just like --
6 just daylight.

7 Q Okay.

8 A I cannot remember. It was --

9 Q Did Michael call you to tell you that he had
10 passed away?

11 A He did not call me.

12 Q Who called you?

13 A The -- the Department was called -- the --
14 I cannot remember her name, but I know what she looks
15 like.

16 Q Amanda Lafary?

17 A No. Like the big wig of it, the woman who is
18 like the head of all the employees. I'll know her name
19 if I hear it.

20 Q That's okay.

21 A She was given the phone call and that's all --
22 that's when I found out.

23 Q Okay. So you go to the hospital. Was there a
24 police interview that -- that night?

25 A Yes.

1 Q Okay. And did they interview you and Michael
2 together or did they interview separately?

3 A Separately.

4 Q Okay.

5 A Then there was one point when we were in the
6 back and we had just came out of visiting Tristan's room
7 that he had asked us to draw a layout of the room and
8 where Tristan was I guess when Michael had found him.

9 Q Okay. Did Michael tell you that -- what did
10 Michael tell you had happened?

11 A There was really no time for Michael and I to
12 have any really kind of communication.

13 Q Okay.

14 A So --

15 Q I guess you went home that night, though; right?

16 A Yes.

17 Q Did Michael tell you what happened that night?

18 A Again, I would say I cannot recall a
19 conversation happening because for me, I didn't sleep
20 that night. I slept and watched and listened to my
21 children breathing.

22 Q Right.

23 A That's what I did that night.

24 Q Okay. When -- when Tristan came out of the
25 house, did he appear to have any bruising or cuts or

1 welts or anything like that?

2 A Again, all I was really looking at was his face.

3 Q Okay.

4 A So --

5 Q I guess the police interviewed you over the
6 next -- well, really not Monday, but I guess Tuesday they
7 interviewed you?

8 A Yes.

9 Q And that was at the Port St. Lucie Police
10 Department; right?

11 A Yes.

12 Q Do you recall them interviewing you separately?

13 A They did.

14 Q And they told you that there was a lot of blood
15 in the room; right?

16 MR. ROMERO: I'm going to object to the form of
17 the question. I know this is a depo, but --

18 MR. RICHARD: No problem.

19 MR. ROMERO: -- you're leading her with facts
20 that are not even in evidence that they said this.

21 BY MR. RICHARD:

22 Q Okay. Well, here, let's go -- what we can do is
23 we can pull up your interview and the conversation you
24 had between Michael and -- hang on a second -- do you
25 recall after being interviewed by the police and having a

1 conversation with them, they then put you together with
2 Michael; right?

3 A On my own accord.

4 Q You wanted to talk to Michael?

5 A Yes.

6 Q And do you recall asking him this question:
7 "I know you love, I know you do, but why is there blood?"

8 And Michael said "I don't know."

9 And you said "I mean, not just blood like 'Oh,
10 I cut myself or something, I scraped --'"

11 And he said "What are you talking about?"

12 And you said "(Indiscernible) and blood?"

13 And he said "Where?"

14 And you said "On the changing table, on the
15 changing station, on the floor."

16 And he said "I did not see that. And he
17 mentioned that -- Michael said 'I didn't see that.' And
18 he mentioned -- I'm like 'Where,' because I didn't know
19 if it was from my nails or what, because I didn't see it.
20 And you said 'Michael, it was a lot.'"

21 MR. ROMERO: Tissue?

22 THE WITNESS: Thank you.

23 BY MR. RICHARD:

24 Q And he said "You saw a lot?"

25 And you said "No."

1 And he said "Because I didn't see any."

2 And you said "They said it was a lot."

3 Do you recall the police telling you there was a
4 lot of blood on the changing station and on the floor?

5 A I do not recall them telling me that. I do
6 maybe -- maybe they had, but there was a lot going on
7 that night.

8 Q Right.

9 A And they may have, because they did -- they did
10 let me go, I took Gabriella out to McDonald's, I came
11 back, they pulled me back in the room again, and at that
12 point is when they, I believe they -- can I --

13 Q You want to get some water? Let's take a break.

14 MR. ROMERO: Yeah, you've been talking for a
15 while.

16 THE WITNESS: I have a little tickle --

17 MR. RICHARD: Let's go off the record.

18 (Whereupon, there was a brief recess and the
19 deposition continued as follows:)

20 MR. RICHARD: Okay. We're back on the record in
21 the State of Florida versus Michael Beer. This is
22 the deposition -- continuation of the deposition of
23 Michelle Beer.

24 THE WITNESS: Uh-huh.

25 ////

1 BY MR. RICHARD:

2 Q Do you -- do you recall the police telling you
3 that Michael had broken another child's leg back in 1993?

4 A I remember them telling me that or asking me did
5 I know that, rather, I should say.

6 Q Right.

7 A And of course I did not.

8 Q Right. And do you know whether he broke a
9 child's leg back in 1993?

10 A Honestly, I still don't know.

11 Q Okay.

12 A Because what I'm told and what I was told prior
13 are two different things.

14 Q Okay. And what were you told prior?

15 A That he just didn't do anything -- that he
16 thought there may have been something, but that he just
17 didn't do anything about it.

18 Q Okay. And what were you told afterwards?

19 A That he was the perpetrator.

20 Q Okay. What -- well, were you aware that he was
21 charged with failure to report?

22 A That is what I was told at re-licensing.

23 Q Okay.

24 A Failure to report.

25 Q Okay. And who told you later on he was the

1 perpetrator?

2 A After this happened?

3 Q Yeah.

4 A The police.

5 Q The police told you that?

6 A They said "Are you aware that..." and they had
7 the report.

8 Q Okay. And who -- which police officer told you
9 that?

10 A I don't remember. They had the report there and
11 they showed me the report. So it wasn't like they
12 were -- they showed me the report and it was in short
13 notes and so I'm like reading it and I have all of this
14 other stuff in my mind and I'm not understanding it and I
15 said "What are you trying to show me," I believe I said
16 that, something along those lines.

17 Q Right.

18 A And it sounds to me like something I would say
19 to them.

20 Q Because in this same conversation with Michael
21 you say "Well, the police told me that you broke this
22 girl's leg back in 1993."

23 A Probably when they were showing me the report
24 and I didn't quite understand -- like if you look at the
25 report -- have you seen the report?

1 Q Oh, yeah.

2 A It's very shorthand. So I myself would not
3 understand it.

4 Q Right.

5 A So they -- they interpreted it, explained it to
6 me.

7 Q Okay. And --

8 A So...

9 Q And they explained to you that he was the
10 perpetrator of this incident back in 1993?

11 A That's what -- they were explaining how the
12 report read.

13 Q Okay.

14 A That's my interpretation of what they were
15 trying to explain to me.

16 Q Okay. And you asked Michael -- and in this
17 discussion between the two of you, you asked him numerous
18 times about what happened; right?

19 A That night?

20 Q Yeah.

21 A The night -- that day. That day.

22 Q Right. And did Michael ever give you an
23 explanation?

24 A Not that I recall.

25 Q Okay.

1 A I think his answer -- his answer was "I don't
2 know."

3 Q Okay. In fact, he denied having any wrongdoing
4 or any type of thing that would have caused Tristan's
5 death; right?

6 A I can remember his answer of "I don't know."

7 Q Okay. Now, looking back, you were in that room
8 after Tristan was taken out of the room; right?

9 A Only after I was told I was allowed to,
10 meaning -- so they came, they did their initial
11 investigation --

12 Q Right.

13 A -- there was an officer sitting at my dining --
14 at the kitchen table.

15 Q Right.

16 A And -- and I had asked if I can go back -- I
17 went back -- I asked if I could go in at that time, once
18 they -- once the initial -- like once they came in, did
19 their pictures, did their swabs -- I don't even know what
20 they did in there, just whatever they do in an
21 investigation.

22 Q Right. Did you see any blood on the floor?

23 A No.

24 Q See any blood on the changing table?

25 A No.

1 Q So this conversation that you had with Michael
2 about there was blood -- a lot of blood, where did you
3 get that information from?

4 A I now would think that night in the police
5 station, if I -- if I had that information, because I
6 would not have had that information prior.

7 Q Okay. And you continued to ask Michael about
8 this 15-minute window; right? Do you remember that?

9 MR. ROMERO: Go ahead. Object to the form of
10 the question.

11 THE WITNESS: Well, you're asking -- you're
12 asking me to remember that night and I went back on
13 the news -- the news, and I watched it because it's a
14 public record, it's on the news.

15 BY MR. RICHARD:

16 Q Sure.

17 A And I look at myself and I'm pacing back and
18 forth and somebody I don't even recognize in that -- in
19 that information I had just heard, you know, even the --
20 they showed me one picture; they showed Michael, I guess,
21 a picture.

22 Q Right.

23 A Michael was asking "What else do you have?" Or
24 "Do you have more pictures?" I couldn't look past the
25 first picture.

1 Q Right.

2 A So you're asking -- I mean things that like --
3 you're asking me to recall things that night when my mind
4 was -- was consuming information --

5 Q Yeah.

6 A -- and, you know, now it's like the -- I
7 wouldn't say details, details as such would not be
8 recalled.

9 Q Not a problem. And I understand. Do you --
10 do you recall how many pictures Michael had seen that
11 night at the police station?

12 A I do not recall, but from what I saw on the --
13 on the news, I remember it being like "So what more
14 pictures do you have? Like what else do you have?"

15 Q Uh-huh. He never admitted any wrongdoing;
16 right?

17 A Not that I saw on the video that was on the
18 news.

19 Q Okay.

20 A That -- that little segment is all I saw.

21 Q And what was his demeanor like that night?

22 A In -- in the police station when I went in
23 there --

24 Q Yeah.

25 A -- with him? Very -- I can't -- no, more --

1 "I don't -- I don't know, babe. I don't know what to
2 tell you. I don't know, babe. I don't know what to tell
3 you."

4 Q Okay.

5 MR. ROMERO: Does it speak for itself, the
6 video, as to his demeanor?

7 THE WITNESS: Yes.

8 BY MR. RICHARD:

9 Q Okay. Was that something out of the ordinary or
10 unusual for Michael to behave that way?

11 A Not so -- I don't know. He is always
12 complacent, is that a correct term for that? Not so
13 relaxed about it.

14 Q He seemed --

15 A I was very -- I was very -- I was like "Our
16 child just died, and you're being very..."

17 "I don't know, babe. I don't know."

18 Here I am, I'm like "What happened?" To me I'm
19 thinking "Why aren't you getting as angry as to why, what
20 happened?"

21 And he's just being "I don't know."

22 Q Well, wasn't he being accused of doing something
23 wrong?

24 A I was asking him what had happened, "What
25 happened? What happened?" So is that -- I don't believe

1 that's accusing -- I'm asking him what happened; I was
2 not home.

3 Q Well, he had been talked to by the police,
4 hadn't he?

5 A I was not a part of that conversation.

6 Q Okay. So you don't know what questions he was
7 asked and what he was being accused of; right?

8 A I do not -- I did not know prior.

9 Q Okay. But the police had obviously advised you
10 that there was some 15-minute window?

11 A Correct.

12 MR. ROMERO: I'm going to object to the form of
13 the question. What are we referring to?

14 THE WITNESS: Yeah.

15 MR. ROMERO: Do you know what he's referring to?

16 THE WITNESS: I do not.

17 BY MR. RICHARD:

18 Q Okay. Hang on.

19 (Pause.)

20 I'll tell you what, let's move forward. Did
21 anybody ever tell you how Tristan died?

22 A His liver.

23 Q Okay. And what was wrong with his liver?

24 A Severed severely.

25 Q Okay. Did you see that in the pictures?

1 A When I saw the picture --

2 Q Yeah.

3 A -- I looked at it and I had no idea -- you could
4 have shown me a piece of meat, I did not know what I was
5 looking at. I -- it looked like, from what I remember, a
6 bunch of like white little speckles on it.

7 Q Yeah.

8 A So I just did not know what I was looking at.

9 Q Okay. But they told you, the police told you
10 there was a split -- a ruptured liver; right?

11 A They said that was his liver, yes.

12 Q And did they tell you how the liver had
13 ruptured?

14 A The -- the level, the severity of the rupture
15 is -- is medically known, from what I'm understanding,
16 told, is from a blunt force trauma; that that severe of a
17 liver rupture cannot happen from anything else than blunt
18 force trauma. That was even --

19 Q Okay. That's what the police told you; right?

20 A Well, even -- you want to know what?

21 Q Yeah.

22 A The -- based on -- even that night in the
23 hospital, when one of them -- I don't know what his job
24 title is or his name, but somebody -- some person wearing
25 blue, like a blue nursing outfit, pulled us in, pulled

1 the Department, pulled Liz, pulled a couple of us in a
2 little room, saying the liver counts, the only way that
3 those liver counts could happen was a liver rupture
4 severe enough from being done from blunt force trauma.

5 Q That's what somebody from the hospital told you?

6 A Yes. And I wish I knew who, I can't tell you
7 who, but my concern -- I was very fearful, I didn't
8 even sleep that night because I was listening for my
9 children to breathe.

10 Q Right.

11 A And I insisted we take the children to the
12 doctor the next day. I insisted that, because I said
13 "We don't know what happened." You know, I hear him
14 saying the liver counts only happen from blunt force
15 trauma.

16 Q Okay.

17 A But --

18 Q The ER physician, the attending ER physician
19 said he had no idea what the cause of death was.

20 MR. ROMERO: I'm going to object. You're
21 testifying, you're telling her what is being said,
22 you're not asking her a question.

23 MR. RICHARD: Fair enough. I'll withdraw the
24 question.

25 ////

1 BY MR. RICHARD:

2 Q But somebody at the hospital told you that?

3 A Somebody at the hospital explained, because --
4 because they were just explaining what happened, that his
5 liver had high --

6 Q Okay.

7 A -- numbers, high liver count.

8 Q Okay. But you don't know who that person is?

9 A No.

10 Q Have you ever discussed with anybody any
11 alternative theories of how he might have died?

12 A I would say people have come -- Sunny has
13 approached me.

14 Q Okay.

15 A Talking to me about Dan-Ehlers.

16 MR. ROMERO: Pardon me?

17 THE WITNESS: Dan-Ehlers disease? I'm not sure
18 if I'm saying it correctly.

19 BY MR. RICHARD:

20 Q You think Tristan had Dan-Ehlers disease?

21 A I don't know.

22 Q Do you know if he had any of the symptoms of it?

23 A I would not know because I don't know really --
24 she has -- her daughter has Dan-Ehlers.

25 Q Okay.

1 A So I would not know. I mean --

2 Q Hang on one second, I'll get you out of here.

3 MR. ROMERO: I still have a lot of questions.

4 MR. RICHARD: You do?

5 MR. ROMERO: Uh-huh. I'll make it quick.

6 BY MR. RICHARD:

7 Q Do you know whether Tristan was ever given a
8 blood transfusion?

9 A Pardon?

10 Q Do you know whether Tristan was ever given a
11 blood transfusion at the hospital?

12 A I can say when we were -- when we, meaning
13 Michael, me, Nydia and Gabriella walked in the room after
14 he had passed to say our final goodbyes, there was a
15 blood bag hanging.

16 Q Okay.

17 A So I don't know. That's all I know.

18 Q Okay.

19 A I would not know if it was transfused or not.

20 MR. RICHARD: Okay. I don't have any further
21 questions. Mr. Romero?

22 CROSS EXAMINATION

23 BY MR. ROMERO:

24 Q Okay. Let me ask you this, ma'am. Do you feel
25 that law enforcement misled you or tried to brainwash you

1 in any way?

2 A No.

3 Q Okay. Now, you have someone named Sunny who is
4 actually suggesting to you a cause of death; correct?

5 A Yes.

6 Q All right. Now, do you have any idea who law
7 enforcement spoke to before talking to you about the
8 degree of injury to the liver?

9 A I have no idea who they had communicated with.

10 Q All right. Did they tell you that they spoke to
11 the Medical Examiner, an expert in this area? Did
12 they -- when they showed you the photographs, that there
13 was an autopsy performed? I mean, obviously they had the
14 liver --

15 A They had the images, correct.

16 Q Right. Okay.

17 A So there --

18 Q I guess your recording, the transcript would
19 indicate whether or not they told you that there was --

20 A I just -- I just cannot recall.

21 Q Okay.

22 A I don't want to --

23 Q Were you aware that three different experts
24 looked at that liver and made an independent
25 determination that the liver was severed; so therefore

1 law enforcement is not just making this up and trying to
2 brainwash you? Were you aware of that?

3 A At the -- on that Tuesday?

4 Q Right.

5 A Three different -- I did not --

6 Q Or at least one of them.

7 A At least one, because I know -- at least one.

8 Q Okay. Secondly, you were asked whether or not
9 he was accused. Isn't it true that Michael was not
10 immediately arrested after Tristan died?

11 A He was not immediately arrested. He was not
12 arrested until --

13 Q And in fact, that he had come to the Police
14 Department and gone home on occasion, correct, a couple
15 times, I think? Or at least he was spoken to and then
16 released; correct?

17 A The only night I recall him being at the police
18 station was that Tuesday.

19 Q Okay.

20 A And he was able to go home.

21 Q Right. So as to whether or not he was given
22 hours worth of opportunities to explain what happened
23 without being accused, you don't know if any of that
24 occurred; right?

25 A No.

1 Q Okay. So you don't know whether or not his
2 relaxed demeanor and constant statements "I don't know
3 anything, babe" had anything to do with the way that
4 police officers treated him; you don't know that, do you?

5 A I don't know that.

6 Q Now, when you were asked whether or not there
7 was a lot of blood, a lot of blood, now, you do know that
8 there are times when blood may be present at a scene but
9 it may not be noticeable; correct?

10 A Actually I -- to me, if I see blood, I think I
11 see blood but --

12 Q Okay.

13 A -- not I think, when I see blood, I see blood.

14 Q If it's a brown spot, you don't know what it is;
15 right?

16 A Right.

17 Q Were you ever shown by law enforcement all the
18 different droplets and smears of blood in that room?

19 A No. No. No.

20 Q So when they were telling you there was not an
21 insignificant amount of blood, for all you knew they
22 weren't lying to you; you've never seen the photographs
23 to show otherwise, have you?

24 A No, I --

25 Q Would you like to see those photographs showing

1 that there was not one little drop of blood, that indeed
2 in their opinion there may be a lot of blood? Would you
3 like to see them, ma'am? You don't have to, but if it
4 makes you feel better about the way law enforcement
5 treated you, you're welcome to look at it. You don't
6 have to.

7 A I --

8 Q Okay. I understand.

9 A You know, I have to say --

10 Q Okay.

11 A -- seeing -- seeing the crime scene dust all
12 over that room, seeing it was enough.

13 Q Was enough. Okay, I understand.

14 Now, you have been married to Michael for quite
15 a long time; right?

16 A Uh-huh.

17 Q And there's a degree of trust that develops
18 between people. If someone was contrite because they
19 made a mistake, they would be able to admit that to you;
20 correct?

21 A Yeah.

22 Q If this had been an accident, let's say he
23 tripped over Tristan and it was just a tragic accident,
24 do you think he could have been able to tell you that?

25 A Yes.

1 Q Had he done nothing wrong and indeed it was just
2 an accident, do you think his demeanor might have been
3 different, rather than "I don't know, babe. I don't
4 know. I don't know. I don't what to tell you"?

5 A Can you --

6 Q Yes. If it had been a tragic accident --

7 A Right.

8 Q -- something because it was an accident he would
9 feel bad about, okay, do you think that based upon your
10 relationship he would have told you --

11 A Yes.

12 Q He would have told you?

13 A If -- you're saying like if it was an accident,
14 he walked in --

15 Q Yeah.

16 A -- and tripped over him?

17 Q Right.

18 A I'm sure.

19 Q Okay. And if it was an accident, would his
20 demeanor have been different to you, telling you "Honey,
21 it's an accident. I feel terrible, you know, I feel so
22 stupid for being so careless"? Would his demeanor have
23 been different other than "I don't know, babe, I don't
24 know what to tell you, I have no idea, I don't know what
25 happened"? If you don't know --

1 A I don't know, but he was very calm.

2 Q Okay. Whatever the video shows, it shows.

3 Now, about you being misled about what was
4 written in the report, we don't have that report there,
5 so it's subject to interpretation.

6 A Okay.

7 Q Right. Are you saying now that because --
8 because it was written in shorthand, it was -- did they
9 give you an opportunity to read it yourself?

10 A They presented it to me, correct.

11 Q Okay. And did you try -- I thought you read it,
12 too.

13 A I did. I tried to read it, but it's just
14 written in such shorthand that -- and I'm looking at it
15 after hearing all of this and I'm looking at it --

16 Q Right.

17 A -- and like I just could not interpret it.

18 Q So whether or not law enforcement initially
19 thought that maybe he broke the leg and it turned out
20 that West Palm Beach said "Well, you're really just
21 culpable failure to report," that's two different
22 persons' interpretation? I mean you yourself couldn't
23 interpret that report?

24 A Right.

25 Q And lastly, is that something that is kind of

1 a -- that was before you were married to him; correct?

2 A Correct.

3 Q Knowing Michael, if that had happened in your
4 household, married to him, that he got in trouble because
5 of failure to report an injury to a child, don't you
6 think he would have told you about that?

7 A Yes, I -- but I hear -- I should say I don't
8 know, because --

9 Q Uh-huh.

10 A -- upon re-licensing he acted surprised, but he
11 didn't recall or remember anything about that.

12 Q That's -- wow. Something like that he did not
13 remember?

14 A Uh-huh.

15 Q So when it was brought to his attention,
16 something as important as this, did he have any knowledge
17 about it whatsoever?

18 A He was more befuddled, like he couldn't --

19 Q Okay.

20 A He couldn't bring up any of the details, he
21 couldn't remember.

22 Q Right.

23 A Then it was "Well, I kept telling the mom to do
24 something about it."

25 Q Right.

1 A "Something is not right."

2 Q Right.

3 A And that's kind of like when that fuzziness came
4 in.

5 Q Creeped in? Okay. If this had been an accident
6 or a tragic accident or something that he was not
7 culpable of, would he have told his friends, "Look, this
8 is -- I don't know what happened. The child that I loved
9 died"? Would that have been something you think he would
10 have expressed to others?

11 A He would say "I don't know what happened," but
12 he --

13 Q "He died."

14 A But meaning --

15 Q That's -- would he have expressed sadness and
16 grief to people he knew if his child died by means he did
17 not know of? Do you see what I'm saying?

18 A Yeah -- no, I do, just because -- I'm just
19 thinking like --

20 Q Let's just say --

21 A I mean, I'll be honest, I remember, and the
22 Department called me on it --

23 Q Right.

24 A -- you know how people -- and I'm the type that
25 will post on Facebook and I posted a picture, and I was

1 told to take it down the next day, "We just lost our
2 child."

3 Q Right.

4 A And then I was called the next day and asked to
5 take it down.

6 Q Here is my point. Let's say he goes to a
7 mechanic he's known for many, many years and he goes to
8 this repair shop. It's somebody he knows, he knows he's
9 got kids, you know, he's friends with the guy. If he had
10 not done anything wrong and he runs into somebody that
11 he's known for a long, long time --

12 A I would be surprised that he did not tell him.

13 Q Right. You agree that --

14 A That would make me surprised, because the
15 mechanic we use -- you're using a mechanic, it could be
16 anybody -- but the mechanic we used, we had a
17 relationship with.

18 Q Right, it's a friend.

19 A A friend -- a working -- a business friend.

20 Q Oh.

21 A Meaning it wasn't like a personal
22 hangout-on-the-weekend friend.

23 Q Right. Right.

24 A But somebody who calls and be able to talk shop
25 with and --

1 Q So if this was an accident in which he was not
2 culpable for anything, something that he would feel
3 guilty of, you would expect him to tell a business friend
4 "Oh, God, something horrible happened to me"; would you
5 not?

6 A Correct.

7 Q Rather than keep his mouth shut and mum?

8 A I would expect -- I would expect him, just like
9 I did, to, you know, tell people. I was very sad and I
10 told people. You know, you want -- you want that
11 consoling.

12 Q Sure. If it's grief and if it's an accident or
13 a tragedy. Does he have such a friends like a mechanic
14 or a repairman, somebody that works at a repair shop?
15 I believe you told me he did once.

16 A He did -- we go to -- I can't remember his name,
17 but we would go to -- we bring our vehicles to a place.

18 Q Right. I have his phone number and --

19 A Okay.

20 Q -- and I'll contact him and give --

21 A But that was --

22 Q -- Mr. Richard that number. Okay. I'm going to
23 try and get you going.

24 . VICTIM'S ADVOCATE: You're fine.

25 . ////

1 BY MR. ROMERO:

2 Q Okay. This thing about the double dose I just
3 want to clarify.

4 A Okay.

5 Q Was Tristan accidentally given a double dose of
6 any prescription medicine?

7 A The white one that we're talking about?

8 Q Whatever.

9 A Possible. Only because like I -- Michael may
10 have given it to him and then I may have given it to him,
11 but at that moment I believe we may have called the
12 doctor --

13 Q Uh-huh.

14 A -- and asked, you know -- but I mean, it
15 would -- with Gabriella we have done that and, you know,
16 one parent doesn't realize the other parent may have
17 given it.

18 Q Right.

19 A And one double dose we're told is --

20 Q Not going to kill them.

21 A No.

22 Q Now, who is Sunny?

23 A Sunny is a church slash foster friend which I'm
24 trying to not communicate --

25 Q Is she a friend of Michael?

1 A I don't know now. I haven't spoken -- I don't
2 know if they're still friends.

3 Q Does she know Mr. Richard?

4 A From what it seems like, she's had
5 communications with him.

6 Q That's interesting. Okay. So this woman is
7 communicating, possibly helping your husband; correct?

8 A Yes.

9 Q Okay. What is her last name?

10 A Jazewski (phonetic)? I have it in my phone.
11 I don't know how to spell it.

12 Q Have you made any statements to her that she
13 might try to attribute to you in -- at some later time?

14 A I've tried to be very neutral --

15 Q Okay.

16 A -- with this, only because I just --

17 Q Okay. Okay. That's all I have.

18 Oh, I did have one other thing. Did you receive
19 a voice mail from your husband regarding Tristan's
20 condition?

21 A On the day in question?

22 Q Yeah.

23 A I did, and I still to this day believe I have
24 not heard it. Maybe I heard it once, just because --

25 Q Did you not hand that over to Jeff Hamrick at

1 our office?

2 A I did, I handed -- I had in my phone and --

3 Q Right, right. Didn't we listen to it together?

4 A That's what I'm saying, maybe if I had heard it
5 maybe once and --

6 Q Yeah.

7 A -- that may have been the only time I heard it.

8 Q Yeah, I think you -- I don't want to put words
9 in your mouth.

10 A I think that was the only time I heard it and I
11 just remember shaking my head --

12 Q Now, the time of that call, was it not indeed
13 before he called 911?

14 A Yes, from what I'm understanding the time frame.

15 Q Gotcha. From what you understood the time frame
16 of the 911 call?

17 A Yes.

18 MR. ROMERO: Okay. Fair enough. No further
19 questions. Any more?

20 MR. RICHARD: Nothing further. Wait, wait,
21 wait, wait. You have the opportunity to read or
22 waive this deposition. Right now we're recording it,
23 it may be typed up. If it's typed up by someone who
24 transcribes it, you have an opportunity to read it
25 and make any corrections. If you think we misspelled

1 something or got something wrong, you can make some
2 corrections. But you need to state on the record
3 whether you want to read the deposition once it's
4 typed up or whether you want to waive that right to
5 read it.

6 MR. ROMERO: I would suggest you read it.

7 THE WITNESS: I would like to read it.

8 MR. RICHARD: Okay. That's fine. Can we
9 contact you through the victim's advocate?

10 VICTIM'S ADVOCATE: Yes.

11 MR. RICHARD: So I'm going to put that on the
12 record, that the transcriptionist will contact you
13 through the Victim Advocate Office. You want to just
14 give a phone number?

15 VICTIM'S ADVOCATE: Sure.

16 MR. ROMERO: 465 -- 462-6855, who is my
17 secretary, who will put you in touch with Kathy.

18 THE WITNESS: And if I may, if I am needed to be
19 re-called again, this 3:30 time is best. It's really
20 hard for me to leave work.

21 MR. RICHARD: I understand.

22 MR. ROMERO: Mr. Richard was nice enough to
23 accommodate --

24 THE WITNESS: I appreciate that.

25 (DEPOSITION CONCLUDED)

1

2

I have read the above and foregoing and find the
same to be true and correct to the best of my knowledge
with any corrections noted on the Errata Sheet appended
hereto.

6

7

8

MICHELLE MARIE BEER

9

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Sworn and subscribed before me this _____ day of
_____, 2016.

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NOTARY PUBLIC

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ERRATA SHEET

1	<u>PAGE & LINE</u>	<u>CORRECTION</u>	<u>REASON</u>
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24	NOTARY PUBLIC	MICHELLE MARIE BEER	
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1 STATE OF FLORIDA)
2 COUNTY OF MARTIN)

CERTIFICATE

5 I, KATHY CABRE ENLOE, a Registered
6 Professional Reporter, certify that a deposition was
7 conducted of MICHELLE MARIE BEER on January 14, 2016;
8 that the same was electronically recorded, and said
9 recording transcribed by the undersigned. I further
10 certify that the foregoing constitutes a true transcript
11 of the electronically-recorded deposition to the best of
12 my abilities, recognizing those limitations inherent in
13 electronically-recorded proceedings.

14 I CERTIFY FURTHER that I am neither attorney nor
15 counsel for, nor related to nor employed by any of the
16 parties to the action in which the deposition was had
17 and, further, that I am not a relative or an employee of
18 any attorney or counsel employed in this case; nor am I
19 financially interested in the outcome of this action.

20 DATED this 15th day of March,
21 2016. 

KATHY CARRE FINLOE

ESQUIRE REPORTING - STUART AND FORT PIERCE, FLORIDA